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In re Application of :
Oshima et al. :
Application No.: 10/542,886 : DECISION
PCT No.: PCT/JP2003/000475 :
Int. Filing Date: 21 January 2003 : ON
Earlier Priority Date: none claimed :
Attorney Docket No.: IXIO125794 : PETITION
For: External Electronic Device :
:

This is in response to the declaration filed on 16 November 2007.

BACKGROUND

This international application was filed on 21 January 2003, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 05 August 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 21 July 2005. Applicants filed *inter alia* the basic national fee on 20 July 2005.

On 17 February 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 28 March 2006, applicants filed a declaration.

On 08 November 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, again requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and explaining that the declaration filed on 28 March 2006 was defective because the "fifth inventor's signature is missing."

DISCUSSION

Inspection of the declaration filed on 16 November 2007 reveals that joint inventor Haruhiro KIKKAWA appears to have executed the declaration in the space provided for Shunichi OSHIMA (the first-named inventor). Therefore, he has not subscribed to the information pertinent to himself. The declaration is also defective because the page signed by Mr. Oshima appears to have been separated from the rest of the document he signed, and attached to the documents signed by the other inventors. As such, the declaration is not acceptable. Since the Notification of Defective Response set a non-extendable period for response which has elapsed, this international application stands **ABANDONED** with respect to the national stage in the United States.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

This international application stands **ABANDONED** with respect to the national stage in the United States.

If reconsideration on the merits of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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